

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:08-cr-13

v.

HON. JANET T. NEFF

GEORGE ANDREW THOMAS,

Defendant.

MEMORANDUM OPINION AND ORDER

Defendant George Andrew Thomas has filed a motion for modification or reduction of sentence (Dkt 102) pursuant to 18 U.S.C. §3582(c)(2) on the basis of Amendment 782 of the United States Sentencing Guidelines, made retroactive by the Sentencing Commission. The U.S. Probation Office has filed a Sentence Modification Report (Dkt 206), and the parties Stipulated (Dkt 111) to the retroactive application of the sentencing amendment and requests the Court to amend the sentence.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines reduced by two levels the offense levels assigned to the quantities that trigger the statutory mandatory minimum penalties in U.S.S.G. §§ 2D1.1 and 2D1.11. These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10.

Having fully considered the Sentencing Modification Report (Dkt 106) and the Stipulation on Reduction of Sentence (Dkt 111), the Court has determined that the defendant is entitled to a reduction of sentence pursuant to the policy statements of the U.S. Sentencing Commission.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 102) pursuant to 18 U.S.C. § 3582(c)(2) is GRANTED. Defendant's sentence is reduced to a term of custody of 120 months imprisonment, the statutory mandatory minimum, with an effective date of November 1, 2015.

IT IS FURTHER ORDERED that all other aspects of the original judgment order including the length of term of supervised release, all conditions of supervision, fines, restitution, and special assessment remain as previously imposed.

DATED: July 30, 2015

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge